

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

Initially Filed: July 29, 2024

Amended and Re-Filed: August 9, 2024

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TIFFIN JOHNSON,

* UNPUBLISHED

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Petitioner,

* No. 21-2085V

*

V.

*

Special Master Dorsey

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SECRETARY OF HEALTH
AND HUMAN SERVICES,

*

Attorneys' Fees and Costs.

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Respondent.

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Diana Lynn Stadelnikas, Maglio Christopher and Toale, Sarasota, FL, for Petitioner.

Emilie Williams, U.S. Department of Justice, Washington, DC, for Respondent.

AMENDED DECISION AWARDING ATTORNEYS' FEES AND COSTS¹

On October 27, 2021, Tiffin Johnson (“Petitioner”) filed a petition in the National Vaccine Injury Program² alleging that as a result of the influenza (“flu”) vaccine and/or the hepatitis A vaccine administered on October 10, 2019, he suffered from transverse myelitis (“TM”) and its sequela. Petition at 1, 3 (ECF No. 1). On September 27, 2023, the undersigned issued a Decision Based on Stipulation, awarding Petitioner compensation. Decision Based on Stipulation dated Sept. 27, 2023 (ECF No. 44).

¹ Because this unpublished Decision contains a reasoned explanation for the action in this case, the undersigned is required to post it on the United States Court of Federal Claims' website and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc> in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the Internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, the undersigned agrees that the identified material fits within this definition, the undersigned will redact such material from public access.

² The National Vaccine Injury Compensation Program is set forth in Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 to -34 (2018) (“Vaccine Act” or “the Act”). All citations in this Decision to individual sections of the Vaccine Act are to 42 U.S.C.A. § 300aa.

On January 3, 2024, Petitioner filed an application for attorneys' fees and costs. Petitioner's Motion for Payment of Petitioner's Attorneys' Fees and Reimbursement of Case Costs ("Pet. Mot."), filed Jan. 3, 2024 (ECF No. 49). Petitioner requests compensation in the amount of \$56,500.37, representing \$54,522.80 in attorneys' fees and \$1,977.57 in costs. *Id.* at 1-2. Pursuant to General Order No. 9, Petitioner warrants that she has not personally incurred any costs in pursuit of her claim for compensation. Pet. Mot, Exhibit ("Ex.") 23. Respondent did not file a response. The matter is now ripe for disposition.³

Petitioner requests the following hourly rates for the work of her counsel: for Mr. Altom Maglio, \$420.00 per hour for work performed in 2020 and \$445.00 per hour for work performed in 2021; for Ms. Anne Toale, \$445.00 per hour for work performed in 2020; for Ms. Danielle Strait, \$240.00 per hour for work performed in 2019; and for Ms. Diana Stadelnikas, \$440.00 per hour for work performed in 2020, \$470.00 per hour for work performed in 2021, \$490.00 per hour for work performed in 2022, and \$525.00 per hour for work performed in 2023. Petitioner also requests rates between \$145.00 and \$180.00 for work of her counsel's paralegals performed from 2019 to 2023.

The undersigned finds the rates are consistent with what counsel have previously been awarded for their Vaccine Program work, and finds them to be reasonable herein. The undersigned has reviewed the submitted billing entries and finds the total number of hours billed to be reasonable and will award them in full. Lastly, the undersigned has reviewed the requested costs and finds them to be reasonable and supported with appropriate documentation. Accordingly, the full amount of costs shall be awarded.

Therefore, the undersigned finds no cause to reduce the requested hours or rates, or the requested costs.

The Vaccine Act permits an award of reasonable attorneys' fees and costs. § 15(e). Based on the reasonableness of Petitioner's request, the undersigned **GRANTS** Petitioner's motion for attorneys' fees and costs.

Accordingly, the undersigned awards:

A lump sum in the amount of \$56,500.37, representing reimbursement for reasonable attorneys' fees and costs, in the form of a check payable jointly to Petitioner and Petitioner's counsel of record, mctlaw, 1515 Ringling Blvd., Suite 700, Sarasota FL 34236.

³ A decision awarding fees and costs initially issued on July 29, 2024, and judgment entered on July 30, 2024. Decision dated July 29, 2024 (ECF No. 50); Judgment dated July 30, 2024 (ECF No. 52). On August 8, 2024, Petitioner filed an unopposed motion to amend the final fees decision and judgment in this matter to revise the mailing address of Petitioner's counsel. Pet. Mot. to Amend, filed Aug. 8, 2024 (ECF No. 54). On August 9, 2024, the undersigned granted the motion. Order dated Aug. 9, 2024 (ECF No. 55).

In the absence of a motion for review filed pursuant to RCFC Appendix B, the Clerk of Court **SHALL ENTER AN AMENDED JUDGMENT** in accordance with this Amended Decision.⁴

IT IS SO ORDERED.

/s/ Nora Beth Dorsey

Nora Beth Dorsey
Special Master

⁴ Pursuant to Vaccine Rule 11(a), entry of judgment is expedited by the parties' joint filing of notice renouncing the right to seek review.